

**Notice of Allowability**

Application No.

10/607,691

Examiner

Nathan A. Bowers

Applicant(s)

DARLING ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 16 February 2007.
2. ☒ The allowed claim(s) is/are 1-8, 10-16, 18-20 and 22-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## ALLOWANCE

### *Reasons for Allowance*

Claims 1-8, 10-16, 18-20 and 22-25 are allowed.

As to claim 1, no prior art was found to show or suggest an apparatus as claimed with a digesting and emulsifying assembly that comprises a separator tank having a closeable opening fluidly associated with an enzymatic digest mixing tank that allows a water layer to be drained from the separator tank and recycled back to operations in the process upstream. Other limitations regarding a digester tank comprising a re-circulation means comprising a chopper pump and a heating means are individually known in the art, however there is no motivation to combine them in order to create the protein recycling system disclosed by Applicant.

As to claim 14, no prior art was found to show or suggest an apparatus as claimed with a digesting and emulsifying assembly comprising heating means, re-circulation means and an emulsifier. While these limitations are known in the art as separate unit operations, there is no motivation to include them in a protein waste recycling system that includes an enzymatic digest mixing assembly, a mobile grinding assembly and a drying system. Furthermore, there is no motivation in the prior art to add a prep tank and a holding tank to the disclosed mobile grinding assembly of Anderson since these structures would be unnecessary and unwieldy if incorporated into the design of Anderson.

As to claim 20, no prior art was found to show or suggest an apparatus as claimed with a mixing operation that comprises a load cell and a digital scale capable of handling proteinaceous agricultural wastes. The Oota (US 6474576) discloses a mixing operation that employs a load

Art Unit: 1744

cell, however Oota offers no expectation that the disclosed load cell could be utilized in a device such as Anderson.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Terminal Disclaimer***

The terminal disclaimer filed on 14 March 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of copending Application No. 10/607690 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A. Bowers whose telephone number is (571) 272-8613. The examiner can normally be reached on Monday-Friday 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NAB



GLADYS J. CORCORAN  
SUPERVISORY PATENT EXAMINER